

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF MISSOURI

United States of America

v.

Jayna Small and
Darren Small,

Defendant(s)

Case No. 4:17 MJ 5097 NAB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/06/2016 to 04/24/2016 in the county of St. Louis in the
Eastern District of Missouri, the defendant(s) violated:

Code Section

Offense Description

18 USC 371
18 USC 1029(a)(2) and (b)(2)
18 USC 1343

Conspiracy to commit offense
Access Device Fraud and Conspiracy to commit Access Device Fraud
Wire Fraud

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.



Complainant's signature

Brian Teixeira, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/17/17

City and state:

St. Louis, Missouri



Judge's signature

Honorable Nannette A. Baker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

Brian C. Teixeira, being duly sworn, deposes and states as follows:

1. I am currently employed as a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 2004. As a Special Agent with the FBI, I have investigated criminal matters involving public corruption as well as financial fraud. I am currently involved in the investigation of defendants Darren Small and Jayna Small (collectively referred to herein as "defendants") related to their activities as officials of the Kinloch Fire Protection District. This affidavit is based upon my personal observations in the investigation of this matter as well as information related to me from other law enforcement officers and witnesses, and my examination of records obtained in the investigation. This affidavit is being submitted for the limited purpose of demonstrating that probable cause exists to believe that the defendants have committed the federal offenses of Conspiracy in violation of 18 U.S.C. § 371, Wire Fraud in violation of 18 U.S.C. § 1343, and Access Device Fraud in violation of 18 U.S.C. §§ 1029(a)(2) and 1029(b)(2).

2. The Kinloch Fire Protection District (hereinafter referred to as "KFPD") was established and incorporated in the State of Missouri in order to provide a fire department within the City of Kinloch, Missouri. Each year, KFPD receives tax revenues from St. Louis County, Missouri for its general operations. KFPD is required to operate through a duly appointed Board of Directors. The Board of Directors is required to have regular meetings and is authorized to approve KFPD expenditures. Darren Small is the Chief of KFPD and the Mayor of Kinloch. Jayna Small is the wife of Darren Small and has been the President of the Board of Directors of KFPD from approximately April 2013 to the present.

3. KFPD maintains a single operating bank account at Central Bank (formerly First National Bank), with an account number ending in 9137, and all of the St. Louis County tax revenues are deposited into this operating account for use by KFPD. As President of the Board of Directors of KFPD, Jayna Small controls the finances of KFPD and has access to the funds in the checking account both as an authorized signatory on the account and through the use of the accompanying MasterCard bank debit card ending in 1875. However, defendants are not authorized to use the funds in the KFPD account for their own personal expenses or for other expenses not related to the legitimate operations of KFPD.

4. Based on information discovered in the investigation, Affiant submits that there is probable cause to believe that from at least as early as December 2013, through as late as March 2, 2017, defendants, acting together and in concert with one another, engaged in a fraudulent scheme to divert the funds of KFPD to their own personal use and to uses not related to the legitimate operations of KFPD. Defendants executed this fraud scheme by writing checks from KFPD's bank account to themselves, which they cashed, and thereafter used the funds for their own personal benefit. Defendants also executed the fraud scheme using the debit card ending in 1875, which was linked to the KFPD bank account, to make purchases and withdraw cash for their own personal benefit.

5. An examination of records from KFPD's Central Bank account ending in 9137 revealed numerous suspicious expenditures from the account during the period December 2013 through March 2, 2017, which appeared to be unrelated to the legitimate operations of KFPD. These expenditures included but were not limited to use of the MasterCard bank debit card ending in 1875 for multiple purchases of clothing, food, liquor, cigarettes, and other merchandise, as well as for payment of defendants' personal household utility bills.

6. The examination of bank records also revealed check number 1083, dated March 31, 2016, drawn on the KFPD bank account and made payable to Jayna Small in the amount of \$7,200.00. The check was signed by Janya Small and contained a notation, which read "Cash Payment 4 Utility Vehicle." Affiant was aware of a cash payment that Jayna Small made to a funeral home in the approximate amount of \$7,000 to pay for the funeral expenses of a close relative around the same time as the date of check number 1083. On March 2, 2017, Jayna Small participated in a non-custodial interview with Affiant, during which she initially stated that she used the funds from check number 1083 to pay for the use of a utility vehicle as noted on the check. However, she later admitted that check number 1083 was not for use of a utility vehicle, but that instead she used the funds from the check to pay for the funeral expenses. Jayna Small stated that the Board of Directors approved the payment. FBI special agents interviewed other members of the Board of Directors, and they denied approving this payment.

7. In her interview with Affiant, Jayna Small also stated that she provided Darren Small with KFPD's debit card ending in 1875 for the purpose of withdrawing cash for personal use, including to pay personal household bills. Affiant also interviewed Darren Small, who acknowledged that he used the debit card ending in 1875 for personal expenditures including paying personal household bills and getting cash for party items, liquor, food, cigarettes, and other merchandise. Jayna Small stated that the Board of Directors approved these expenditures. FBI special agents interviewed other members of the Board of Directors, and they denied approving the expenditures.

8. Records from KFPD's bank account ending in 9137 show multiple point of sale purchases of merchandise as described herein at Wal-Mart and Sam's Club stores located in the St. Louis Metropolitan Area using the MasterCard debit card ending 1875. Jayna Small is employed at Wal-Mart and has a Sam's Club membership. Affiant has learned that point of sale purchases at Wal-Mart or Sam's Club using a debit card cause data to be electronically transmitted through multiple states.

9. Records from KFPD's bank account ending in 9137 show that the debit card ending in 1875 was utilized at a Schnucks store in St. Louis County to execute the following transactions:

- a. A February 6, 2016 payment in the amount of \$350.96 for Laclede Gas account # 4247141193
- b. A March 22, 2016 payment in the amount of \$160.79 for Ameren Electric account # 30591-50056
- c. An April 1, 2016 payment in the amount of \$230.13 for Laclede Gas account # 4247141193

d. An April 9, 2016 payment in the amount of \$312.23 for Laclede Gas account # 4247141193

e. An April 24, 2016 payment in the amount of \$155.26 for Ameren Electric account # 30591-50056

10. Records obtained in the investigation show that Laclede Gas account #4247141193 is linked to defendants' residential address. Records obtained in the investigation also show that Ameren account #30591-50056 is an account in the name of Darren Small. Darren Small acknowledged to investigators that he used the debit card ending in 1875 to make the payments described in paragraph 9 of this Affidavit and that the payments were for defendants' household bills.